## In the Drawings

Applicant submits concurrently herewith, four (4) **Replacement Sheets**, Figures 1

– 10.  The **Replacement Sheets** supersede the original drawings filed by Applicant on

October 30, 2003 and the drawings filed on February 25, 2004.

## REMARKS

This application has been carefully considered in connection with the Examiner's Office Action dated April 18, 2007. Reconsideration and allowance are respectfully requested in view of the following.

## Summary of Rejections

Claims 1-26 were pending at the time of the Office Action.

The drawings were objected.

The specification was objected.

Claims 6, 11 and 19 were objected.

Claims 18-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-20 and 24-26 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11, 17-20 and 24-26 were rejected under 35 U.S.C. §102(e) as being anticipated by Gungabeesoon, U.S. Patent No. 7,007,278 (hereinafter "Gungabeesoon").

Claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gungabeesoon, U.S. Patent No. 7,007,278 in view of Vermeire et al., U.S. Patent No. 6,931,623 (hereinafter "Vermeire").

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gungabeesoon, U.S. Patent No. 7,007,278 in view of Ahmad et al., U.S. Patent No. 5,745,748 (hereinafter "Ahmad").

Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gungabeesoon, U.S. Patent No. 7,007,278.

## Summary of Response

The drawings have been amended.

The specification has been amended.

Claims 1, 6, 11, 19, 21, and 22-24 were amended.

Claims 2-5, 7-10, 12-18, 20, 25, and 26 remain as originally submitted.

Remarks and Arguments are provided below.

## Drawings

The drawings were not acceptable because the drawings were not in compliance with 37 CFR § 1.121(d). Corrected drawing sheets labeled "Replacement Sheet" are filed concurrently herewith.

## Specification

The specification has been amended. More specifically, paragraph [001] has been amended to reflect the current U.S. Patent Application Serial Numbers. Paragraphs [008], [027], [051], and [055] have been amended to read --JAVA--. Additionally paragraphs [071], [074], [077], [089], [090], [091], [092], [100], [101], [102], and [103] have been amended to correct typographical errors. These amendments are respectfully submitted not to introduce new matter, and are offered for clarification purposes.

## Summary of Claims Pending

Claims 1-26 are currently pending following this response.

## Response to Objections

Claims 6, 11, and 19 were objected to because of informalities. Claim 6 has been amended to read -- A method --; a period(.) has been added after the limitation body; and claim 19 has been amended to read -- operating system --. These typographical errors have been amended as suggested in the Office Action.

## Applicant Initiated Interview

Applicant thanks Examiner Qing Chen and SPE Wei Zhen for their time and consideration of the arguments and proposed amendments discussed in the telephone interview on July 10, 2007. In the interview, proposed amendments reciting that the COBOL program and the COBOL routine are stored on a computer readable medium were discussed. Examiner Qing Chen and SPE Wei Zhen indicated that the proposed amendment may be sufficient to overcome the rejections under 35 U.S.C. 101. Further, Applicant presented arguments against the applied art and Examiner Qing Chen clarified his interpretation of the applied art. Examiner Qing Chen and SPE Wei Zhen suggested amending the claims to further clarify the claim limitations. A detailed discussion of the differences between the applied art and the claims as amended herein follows.

<u>**Response to Rejections**</u>

The pending disclosure is directed to the utilization of legacy programs (paragraphs 005, 006, and 008). In particular, the pending disclosure is directed to enabling asynchronous and distributed programming using COBOL. More particularly, the asynchronous and distributed programming may be enabled in COBOL in its native run-time environment without using an interface with other programs such as C or JAVA programs. COBOL programs may communicate with a COBOL technical layer to perform the asynchronous and distributed processing tasks (paragraphs 029-036 of the pending disclosure). Utilizing the COBOL technical layer, sockets and pipes may be available in COBOL as described in paragraphs 037-050.

Each of the claims has been rejected using Gungabeesoon or a combination of Gungabeesoon and other art or rationale. Gungabeesoon is directed to accessing legacy application programs over a computer network (column 1, lines 6-9; column 1, line 60 – column 2, line 32). Gungabeesoon enables accessing the legacy application programs through an environment that encapsulates the legacy application such that it operates as-is in its native environment (column 7, line 50 – column 8, line 11). Data output from the legacy application programs is redirected to the operating system application runtime 430 and communicated over a socket. Similarly, data may be received over the socket and communicated to the operating system runtime 430 and input to the legacy application (column 10, line 32 – column 11, line 23).

Gungabeesoon does not provide any teaching or suggestion of utilizing a COBOL technical layer (or COBOL routine) as described in the specification and required by the claims. For example, Claim 1 as recited herein requires, "a COBOL routine **callable**

21

**from the COBOL program**, the COBOL routine reads information from the socket and writes the information read from the socket to the memory block **in response to the COBOL program call**." Therefore, Claim 1 requires that the COBOL program controls the reading of information from the socket. Gungabeesoon discloses, "the legacy application is unaware of any changes in its native environment, thus requiring no code changes to the application" (Column 9, lines 38-40).

In the interview, Examiner Qing Chen indicated that the combination of the legacy application 122 and the operating system runtime 430 were being interpreted as the claimed "COBOL program". The claims have been amended herein to further clarify that the COBOL program is not or does not include an operating system. These and other arguments are discussed in detail below.

## Response to Rejections under Section 112

In the Office Action dated April 18, 2007, Claims 18-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The Office Action indicated that there was insufficient antecedent basis for the limitation "the operating system" in Claims 18 and 19. Claim 1, from which Claims 18 and 19 depend, has been amended herein to recite a limitation of "an operating system". As such, Applicant respectfully submits that the amendment to Claim 1 establishes sufficient antecedent basis for the limitation "the operating system" in Claims 18 and 19. Applicant respectfully requests the rejection of Claims 18-20 under 35 U.S.C. 112, second paragraph be withdrawn.

## Response to Rejections under Section 101

In the Office Action dated April 18, 2007, Claims 6-20 and 24-26 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter (i.e., an abstract idea, natural phenomenon, or law of nature).

Claim 6 has been amended to recite the COBOL program and the COBOL routine are stored on a computer readable medium. Similarly, Claim 24 has been amended to recite the COBOL program and the routine are stored on a computer readable medium. In the interview, Examiner Qing Chen and SPE Wei Zhen indicated that these amendments were sufficient to overcome the rejections under 35 U.S.C. 101. Applicant respectfully requests the rejection of Claims 6-20 and 24-26 under 35 U.S.C. 101 be withdrawn.


## Response to Rejections under Section 102

In the Office Action dated April 18, 2007, Claims 1-11, 17-20 and 24-26 were rejected under 35 USC § 102 as being anticipated by Gungabeesoon, U.S. Patent No. 7,007,278 (hereinafter "Gungabeesoon").

**Claim 1:**

I.      Gungabeesoon does not disclose a COBOL routine callable from the COBOL program that reads information from the socket.

The Office Action relied on disclosure of the operating system runtime 430 in Gungabeesoon to read on the limitations of the COBOL routine. Specifically, the Office Action relied on the disclosure of the Read_Data and Write_Data methods called by the operating system runtime 430 to read data from and write data to the socket 626b,

23

respectively. While these methods may be considered a routine called by the operating system runtime 430, Applicant respectfully submits that these methods are not a COBOL routine as required by the claims. Furthermore, Applicants respectfully submit that these methods are not called by the COBOL program (legacy application 122 as interpreted by the Office Action) as required by the claims. Rather, the Read_Data and Write_Data methods are called by the operating system.

II.     The combination of the legacy application 122 and the operating system runtime 430 of Gungabeesoon may not reasonably be interpreted as the claimed COBOL program.

In the interview, Examiner Qing Chen presented an interpretation whereby the claimed COBOL program was being read on the combination of the legacy application 122 and the operating system runtime 430. Applicant respectfully submits that a combination of the legacy application 122 and the operating system runtime 430 is not a COBOL program. In an effort to clarify that the claimed COBOL program is not an operating system, Claim 1 has been amended to include the limitation, "wherein the COBOL routine reads the information ... through a ... call to an operating system". As such, it is clear from the claims that the COBOL program, the COBOL routine, and the operating system are all distinct elements. Therefore, as amended herein, Applicant respectfully submits that the combination of the legacy application 122 and the operating system runtime 430 may not reasonably be interpreted as the claimed COBOL program.

III.     Gungabeesoon does not disclose the COBOL routine reads the information through a call to an operating system.

As amended, Claim 1 requires that a COBOL program call a COBOL routine which makes a call to an operating system to read data from a socket.  Gungabeesoon discloses a legacy application 122 (COBOL program) which operates unaware of any changes in its native environment, an operating system 430 that intercepts I/O data of the legacy application 122, and the operating system 430 calling a Data_Read method to read data from a socket.  A search of Gungabeesoon did not result in any disclosure a call to the operating system 430.

IV.     The Data_Read method of Gungabeesoon is not a COBOL routine as claimed.

As amended herein, Claim 1 requires that the COBOL routine reads the information from the socket through a call to an operating system.  As disclosed in column 10, lines 29-31 of Gungabeesoon, the Read_Data method is called by the operating system 430.  In contrast, the claims require the COBOL routine to perform a call to the operating system.  Therefore, Applicant respectfully submits that the Read_Data method of Gungabeesoon may not reasonably be interpreted as the claimed COBOL routine.

V.     The legacy application of Gungabeesoon does not control reading data from the socket.

Claim 1 as amended herein requires, "a COBOL routine **callable from the COBOL program**, the COBOL routine reads information from the socket ... **in response to the COBOL program call**."  Therefore, Claim 1 requires that the COBOL program controls the reading of information from the socket.  Gungabeesoon discloses, "the

25

legacy application is unaware of any changes in its native environment, thus requiring no code changes to the application" (Column 9, lines 38-40).

Dependent Claims 2-5 are similarly not disclosed by Gungabeesoon for at least the reasons detailed in sections I-V above.


**Claim 6:**

Claim 6 includes limitations similar to those discussed in sections II-V above. As such, the arguments discussed above in sections II-V are herein repeated for Claim 6.

Dependent Claims 7-11 and 17-20 are similarly not disclosed by Gungabeesoon for at least the reasons detailed in sections II-V above.


**Claim 24:**

Claim 24 includes limitations similar to those discussed in sections II-IV above. As such, the arguments discussed above in sections II-IV are herein repeated for Claim 24.

Dependent Claims 25 and 26 are similarly not disclosed by Gungabeesoon for at least the reasons detailed in sections II-IV above.


**Response to Rejections under Section 103**

In the Office Action dated April 18, 2007, Claims 12-14 were rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Vermeire et al., U.S. Patent No. 6,931,623 (hereinafter "Vermeire").

**Claims Depending from Claim 6:**

Dependent Claims 12-14 are similarly not taught or suggested by Gungabeesoon in view of Vermeire for at least the reasons detailed in sections II-V above. Applicant respectfully submits that Vermeire does not cure the deficiencies of Gungabeesoon.

In the Office Action dated April 18, 2007, Claims 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Gungabeesoon in view of Ahmad et al., U.S. Patent No. 5,745,748 (hereinafter "Ahmad").

**Claims Depending from Claim 6:**

Dependent Claims 15 and 16 are similarly not taught or suggested by Gungabeesoon in view of Ahmad for at least the reasons detailed in sections II-V above. Applicant respectfully submits that Ahmad does not cure the deficiencies of Gungabeesoon.

In the Office Action dated April 18, 2007, Claims 21-23 were rejected under 35 USC § 103(a) as being unpatentable over Gungabeesoon.

**Claim 21:**

Claim 21 includes limitations similar to those discussed in sections I-V above. As such, the arguments discussed above in sections I-V are herein repeated for Claim 21.

Dependent Claims 22 and 23 are similarly not disclosed by Gungabeesoon for at least the reasons detailed in sections I-V above.

## CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encourage to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: July 18, 2007

Michael W. Piper
Reg. No. 39,800

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANT